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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,529	07/30/2003	Anthony J. Baerlocher	0112300-753	9259
29159 7590 11/04/2008 BELL, BOYD & LLOYD LLP P.O. Box 1135 CHICAGO, IL 60690				
EXAMINER HYLINSKI, STEVEN J				
ART UNIT 3714		PAPER NUMBER		
NOTIFICATION DATE 11/04/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENTS@BELLBOYD.COM

Office Action Summary

Application No.

10/630,529

Applicant(s)

BAERLOCHER, ANTHONY J.

Examiner

STEVEN J. HYLINSKI

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 11-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-5, 11-17, 19, 25-29, 33-39, and 41 are rejected under 35**

U.S.C. 102(e) as being anticipated by US 6,758,473 to Seelig et al. (Seelig).

Re Claims 1 and 25,

Seelig discloses a gaming device comprising: a game (see Abstract and Title); an award distributor associated with the game (Fig. 1, "Bonus Area" 31 having movable bonus indicator 44, indicatable bonus value array 30a-k, and Bonus Meter 33) said award distributor including: a plurality of sections situated in a predetermined arrangement on said award distributor (Fig. 1 Bonus value array 30a-k), said predetermined arrangement including each of the sections being in a set position relative to each other section of said award distributor, (Bonus values 30a-k are fixed on the Bonus Area 31) each of said sections defined by one of a plurality of first coordinates and one of a plurality of second coordinates and then selects which of the two values at a given axial coordinate is to be awarded, each pair of values having different second coordinates assigned to them (The bonus indicator has a

"predetermined number of intermediate positions or levels" in between starting position **35** and ending position **31**, as disclosed in Col. 5 Lines 3-6. The indicator "may be stopped at any of the positions" as stated in Col. 5 Lines 9-10. Each intermediate position or level along the bonus indicator's axis constitutes has a corresponding coordinate from a set of first coordinates. Once the indicator is stopped at one of the intermediate positions or levels, i.e. once a first coordinate has been selected, one of the two values adjacent the indicator will be selected, using some means to indicate which of the pair of values is to be awarded the player, such as blinking lights. Which of the pair of values indicated is to be selected constitutes making a selection from a set of nsecond coordinates. See Col. 5 Lines 7-16 and Fig. 1), wherein each first coordinate is associated with a group of the sections including a plurality of the sections (Each first coordinate is associated with two bonus values. See Fig. 1), and each second coordinate is associated with a group of sections including a plurality of sections (each of the exemplary 12 bonus values **30a-k** has one of two second coordinate values associated with it. For example, bonus value **75**, located at reference numeral **30i**, could be assigned coordinates (1, 1), Bonus value **40**, reference numeral **30c**, could be assigned coordinates (3, 2), value **15**, reference numeral **30h**, could be (5, 1), value **35** could be (6, 2), and so on.), and a plurality of symbols, each of said symbols associated with one of a plurality of awards, wherein each of said plurality of sections of said award distributor is associated with one of said symbols (each location **30a-l** is shown as having numerical symbols representing award values. However, the numbers **30a-l** need not be actual award values. They could instead represent symbolic placeholders

that would be looked up on a pay table in order to correlate with award values, see Col. 5 Lines 17-40).; a section indicator associated with the award distributor (Fig. 1 **44** to indicate the first coordinate combined with an illumination feature to indicate the second coordinate, the illumination feature described in Col. 5 Lines 12-14); and a processor configured to control a play of the game (Col. 6 Lines 15-35 discloses that the gaming machine of Seelig executes a bonus game using an electronic controller **40** in conjunction with a random number generator **42**) by: causing a display of said plurality of symbols and the awards associated with each of said symbols on the award distributor to the-a player upon initiation of said play of the game; indicating one of said plurality of sections of the award distributor by: determining one of the first coordinates associated with one of the groups of the sections, independently determining one of the second coordinates of one of the sections in said group of sections, and causing the section indicator to indicate the section in the group associated with defined by the determined first and second coordinates, and providing to the player the award associated with the symbol of the indicated section (See Col. .6 Lines 55-67 and Col. 7 Line 1, once the bonus game has been triggered, the bonus indicator **44** moves to a location and indicates a bonus prize, which will have a first coordinate along the axis having 6 different intermediate stop positions as shown in Fig. 1, and a second coordinate indicating which of the two values at a given first coordinate is to be awarded to the player. Once the bonus prize has been selected, it is awarded to the player and displayed on the player's meter **33**, as disclosed in Col. 5 Lines 14-16).

Re Claims 2-5, 14, 26-29, 36

Seelig discloses that the value indicated by bonus indicator **44** can be chosen by a random number generator. The controller then causes the indicator **44** to indicate the value located at the corresponding first and second coordinates as discussed above. If this random number generator approach is used to select which of the positions on the bonus display to stop the indicator at, the player will have a theoretically equal probability of each of the exemplary bonus values **30a-k** being selected.

Re Claims 11 and 33,

The awards can include a value (See Table 1), a multiplier which also constitutes a modifier (Col. 5 Line 52), and a free game (Col. 5 Line 51).

Re Claims 12 and 34,

Col. 5 Lines 31-32 disclose that which of the bonus values is chosen is determined by a random number generator. Hence some probability must inherently be associated with selecting each of the awards.

Re Claims 13 and 35,

Col. 5 Lines 54-66 discloses an accumulation bonus scheme in which the player "must accumulate the bonus position symbols to win a prize."

Re Claims 15 and 37,

The bonus values **30** are game elements.

Re Claims 16-17, 19, 38-39, and 41

Each value **30a-k** has an illumination device to indicate which of the values is being indicated by bonus indicator **44** (See Col. 5 Lines 12-14, each position **30** includes blinking lights that indicate the bonus prize to be awarded). The player may be

allowed to advance the bonus indicator multiple times in sequence, such as in a bonus accumulation scheme described in Col. 5 Lines 54-66. In this case, multiple indicated awards would be illuminated alternately, one per bonus round.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 20, 30, 40, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seelig in view of US 6,604,740 to Singer et al. (Singer).

Seelig discloses that one of the embodiments of his bonus game is a multi-round accumulation type bonus game in which the player has multiple attempts to advance the bonus indicator incrementally from a bottom towards a top position. Only when the player reaches the top position is any prize awarded. It is well-known in the art that such an accumulation type game, in which multiple steps must be taken to attempt to advance the player towards a goal, is compatible with a terminator, which would halt the player's progress and end the bonus game.

Singer teaches such an accumulation-type bonus scheme, in which the player repeats selecting bonus prizes until a terminator symbol ends the bonus game (See Col. 14 Lines 35-39.)

At the time the invention was made, one of ordinary skill in the art would readily predict that the result of adding one or more terminator symbols in sections **30** of

Seelig's bonus game, in his disclosed embodiment of an accumulation type bonus game, would result in termination of the bonus round without any further opportunities to accumulate sections **30** on the bonus indicator.

Re Claims 7-8, 21-22, 31-32, 43-44, and 49-50

Associating higher probabilities with one type of bonus symbol than another bonus symbol is a simple matter of design choice because any artisan of skill in the art would immediately recognize how to alter probabilities by programming, and that the apparatus performing the game would remain the same. Furthermore, changing the probabilities associated with achieving any symbol would not cause any inventive or unpredictable results.

5. Claims 18 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seelig.

Seelig discloses the same inventive concept, with each of the sections **30** of the bonus indicator being capable of being illuminated to indicate which of the sections was chosen by indicator **44**. However, Seelig is silent on illuminating more than one of the sections simultaneously. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have illuminated more than one of the bonus sections simultaneously, because Applicant has not disclosed that doing so provides an advantage, is used for a particular purpose, or solves a stated problem. Seelig's invention has the required structure capable of illuminating more than one bonus section **30** at a time. Doing so would be a decorative choice, which could be desired such as at the beginning of the bonus game, to provide

an element of excitement by lighting up all of the sections 30 for a period of time for visual effect, before the selection process is begun. One of ordinary skill in the art would be familiar with how to use the capable bonus display 31 of Seelig to provide additional decorative lighting effects.

6. Claims 47-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seelig, in view of US 6,257,979 to Walker et al. (Walker)

Seelig lacks the data for his game being supplied from a remote server over a network, where the network can be the internet.

Walker discloses that it is well-known for some or all of the data manipulation that is normally carried out by an electronic casino gaming machine is carried out by a network server, including data processing, random number generation, and data storage (Col. 13 Lines 10-13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made, that Seelig's gaming machine could have the data processing for the game carried out over a network instead of the data processing being carried out locally on the gaming machine. The internet would be an obvious choice for a means to provide a network connection between a gaming machine and a server(s), as old and well-known in the art.

Allowable Subject Matter

7. Claims 23-24 and 45-46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. These claims recite the

limitations of the method and apparatus of the independent claims being carried out by an award wheel, which is neither anticipated nor rendered obvious by the cited prior art.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and is included in the attached notice of references cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEVEN J. HYLINSKI whose telephone number is (571)270-1995. The examiner can normally be reached on M-Thurs. 7:00a-5:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on 571-272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/
Supervisory Patent Examiner, Art Unit 3714

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/Steven J Hylinski/

Examiner, Art Unit 3714